

## The Community Role in Prevention and Eradication of Corruption

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### ABSTRACT

*The leading cause of corruption in the regions is the enormous power in the hands of the local elite. However, the amount of authority held by the regions is not accompanied by an active control function through oversight institutions that involve the community. This study aims to analyze community involvement in the prevention and eradication of corruption in Indonesia. This research is normative legal research with a doctrinal approach. In a democratic country like Indonesia, community participation is needed in the prevention and eradication of corruption. Public participation in efforts to prevent and eradicate criminal acts of corruption is manifested in the form of data search, acquisition, and provision of data on corruption. In addition, the community has the right to provide advice and opinions responsibly for the prevention and eradication of corruption.*

**Keywords:** Community role, Prevention of corruption, Eradicating corruption

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### 1. INTRODUCTION

Corruption in Indonesia develops systemically. For many people, corruption is no longer a violation of the law, but they consider it a habit. In all comparative studies of corruption between countries, Indonesia always occupies the top position. This situation could lead to an increase in corruption eradication in Indonesia by the authorities. Actually, the authorities, such as the Corruption Eradication Commission (KPK), have tried to do the maximum work. However, the work that must be done is far more than the energy and time possessed by the Corruption Eradication Commission (KPK). Corruption is a problem that is currently attracting public attention. Not only among the people of Indonesia but also the international community. The problem of corruption is one of the most widely published news trends in print and electronic media. The word corruption can mean decay, deterioration, dishonesty, and deviation from holiness. In popular scientific dictionaries, corruption implies fraud or abused for personal gain. Thus, the essence of corruption is counterproductive to the goals and ideals of forming a government to protect, educate, and promote the welfare of the people.

It is undeniable that the phenomenon of corruption in this country is in an alarming situation. Based on monitoring data from Indonesia Corruption Watch (ICW) throughout 2015, the total financial loss caused by corruption reached IDR. 31,077 trillion. This data increased 6-fold from the state loss in 2014 of IDR. 5,29 trillion (Indonesia Corruption Watch (ICW), 2017). Corruption acts occur in various regions, ranging from large cities to remote parts of the country. In the context of regional autonomy, it was realized that regional autonomy sometimes became a double-edged knife. Slowly, the implementation of regional autonomy made not only decentralized power but also corrupt practices. The case of local finance corruption ranks first in the corruption trend in Indonesia, with the main actors being regional heads and former regional heads. Even Indonesia Corruption Watch (ICW) reported that

since the Corruption Eradication Commission (KPK) worked until December 2018, there were 104 Regional Heads involved in the issue of corruption. This fact seems to reinforce the initial assumption of regional autonomy that there will be a spread and transfer of the level of corruption from the center to the regions. In regional autonomy, corruption has been decentralized along with the decentralization of power.

The leading cause of corruption in the regions is the enormous power in the hands of the local elite (Fitriyaningrum & Arifin, 2019). However, the amount of authority held by the regions is not accompanied by an active control function through oversight institutions that involve the community. The phenomenon of corruption has long historical roots. On the other hand, it is difficult to trace the beginning of corruption in Indonesia. Some opinions state that corruption in Indonesia has cultural roots such as paternalistic culture, while others argue that corruption arises from the culture of giving tribute, gift services, and gifts. However, it cannot be denied that one of the causes of corruption is the desire to live luxuriously in government groups, as the 14th-century philosopher and sociologist Ibn Khaldun said (Jajkowicz & Drobiszová, 2015).

On December 18, 2003, the Government of Indonesia signed the UNCAC and then ratified it with Law No. 7 of 2006 concerning the Ratification of the UN Convention Against Corruption. Ratification is a statement of a country to submit to and be bound by provisions agreed to by the international community through reservations and non-reservations. Therefore, with the issuance of Law No. 7 of 2006, Indonesia is bound by the provisions contained in the UNCAC. So that corruption does not continue to run rampant and entrenched in society, an anti-corruption campaign is needed. This effort can be made by educating the public about anti-corruption values and aspects of legal corruption and how people participate in combating corruption (Sarmini, Made Swanda, & Nadiroh, 2018). On the other hand, this effort can also maximize the form of community control functions over local government administration. This study discusses the role of community control in efforts to eradicate corruption.

## **2. RESEARCH METHODS**

This study is normative legal research with a doctrinal approach. This study conducted by analyzing legal written materials. Data collection used in this study is through the collecting legal materials by searching, recording, inventorying, studying books, literature, legislation, the results of previous research, and documentation relating to the problem under study.

## **3. RESULTS AND DISCUSSION**

### **3.1. The Role of the Community in the Implementation of the State and Regional Government**

In a democratic country such as Indonesia, the participation of the community is needed in the administration of the state. Government regulation number 68 of 1999 concerning community participation in the administration of the country regulates that role of the community is the active role of the community in participating in realizing a clean and free state administration of Corruption, Collusion and Nepotism (KKN), which is carried out in accordance with the legal, moral and social norms that apply in society. The participation of the community in the administration of the state is required in the form of seeking, obtaining and providing data or regarding information on state administration, and the right give an opinion and suggestions responsibly to the administration of the state (Susila & Suharso, 2018).

The purpose of the community's participation is to realize the rights and responsibilities of the community in the implementation of a clean country. Besides that, it is also hoped that this participation will stimulate the community to carry out social control over state administrators. The role of the

community in the implementation of the state in accordance with Government Regulation number 68 of 1999 to realize clean state administration is carried out in the form of:

1. The right to seek, obtain and provide information regarding the administration of the right
2. Responsible for the policies of state administrators
3. The right to legal protection

The implementation of regional government currently no longer relies solely on the power it has with a sanctioned approach. But the regional government must be able to build mutual symbiotic interactions between various parties, one of which is society. The participation of the community in the regional government is then regulated in Government Regulation Number 45 of 2017 concerning Public Participation in The Administration of Regional Government. Community participation in the implementation of regional government, hereinafter referred to as community participation, is the role of the community to channel their aspirations, thoughts and interests in the administration of regional government. Community participation can be done through:

1. Public consultations
2. Public Aspiration submissions
3. Hearings
4. Work visits
5. Socialization
6. Seminars, workshops, and / or discussions.

Community access to information on the implementation of regional government can be done through:

1. Information systems, print / electronic media, and / or bulletin boards provided by local governments
2. Request directly to local governments according to the needs of the community.

To accelerate the realization of community welfare, it is necessary to carry out various efforts to increase community participation in the administration of regional government. This is the subject matter of regulating community participation in this government regulation as mandated by Law number 23 of 2014 concerning regional government.

Community participation in the implementation of local government has an important function, among others, as a means for the community both individuals, community groups and community organizations in expressing their needs and interests so that the process of regional policy formation is more responsive to the needs and interests of the community. Community participation is also important in realizing community care and support for the success of development in the region. In accordance with the provisions of Article 354 paragraph (7) Law number 23 of 2014 concerning Regional Government, this Government Regulation becomes a guideline for regional governments in establishing regional regulations concerning procedures for Community Participation.

### **3.2. The Role of Society in Eradicating Corruption Crime**

Corruption is the use of positions for purposes other than official interests. Corruption itself consists of various types of which include bribery, extortion, peddling influence, nepotism, forgery, facilitation payments, embezzlement and so on. We often see that corruption is a sin of the government, but actually the private sector is also heavily involved in corruption that occurs in the government sector. We are all involved, therefore all elements of the nation, including the community, must work together to find a way out. In a criminal perspective, specific elements of the tendency for actions to harm state finances can be analyzed from 4 approaches, namely:

1. The existence of perpetrators is detrimental to state finances, generally related to state officials or state administrators

2. State financial management authority and power
3. There is a certain state loss, can be assessed by the amount of money gets
4. There is a party who an unfair advantage or enriches himself, another person or corporation, that is by reducing the state's right of financial acceptance or incurring obligation to pay by the state no or pay more than is supposed to be against the law.

In the role of the community the role of the family as the smallest unit of society, the family is expected to become the core of the social movement to eradicate corruption in Indonesia. So, prevention of corruption is done by instilling anti-corruption values for early childhood by educating at the family level (Rabi'e & Nurhidayati, 2018).

Anti-corruption social actions require efforts to plant anti-corruption values systematically and sustainably. Basically, a person's personality does not appear instantly, but through a process (Imelda, 2017). Therefore, efforts to eradicate corruption can be started from the family first. Because the family is the first place someone gets an education in planting their life ideology, or vice versa. And the family also becomes the initial foundation in the formation of one's character. So that the family becomes a very effective and very fundamental tool in fostering an anti-corruption culture in Indonesia.

However, there are several factors from the family that have triggered corruption (Ibrahim, Yusoff, & Koling, 2018). First, parents or family members who do not instill honesty values in the family. Second, the extravagant and commons perspective lifestyle that is fostered in the family. Third, irregular lifestyle such as spending is higher than conceding in meeting daily needs. Fourth, there is a lack of care and attention from parents to family members. Fifth, financial management in the family is not good. Sixth, there are members or some families who are part of the perpetrators of corruption crimes.

So, to prevent the emergence of factors that trigger corruption, the role of the family including father and mother is very important in forming the character of a child as an adult. Especially the role of mothers as housekeepers who spend more time with family at home. So that a mother teaches moral values that can form the following characters:

1. Honesty  
Honesty is a basic value into a basic value that becomes the main foundation for the enforcement of one's personal integrity. Without honesty, it is impossible for someone to become a person of integrity. Honesty will also be carried away in work so that it will fortify itself against the temptation to cheat or lie.
2. Concern for  
Care is to promote, pay attention, and ignore. As a prospective future leader, a child needs to have a sense of concern for his environment.
3. Independent  
Independence can be interpreted as a process of maturing, namely by not relying on other people to work on their duties and responsibilities. The values of independence expected to be planted early are able to face challenges well, be able to be grateful in difficult times, be able to determine decisions, can control anger and have strong life principles.
4. Discipline  
Discipline can be interpreted by obedience. Compliance with the principle of goodness and truth is the main grip in work.
5. Responsibility  
Responsibility is to accept everything from all wrong actions, whether intentional or unintentional. The responsibility is the realization of awareness of the obligation to accept and resolve all the problems that have been done.
6. Work Hard

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Work is realized by the willingness. Working hard is an important thing to achieve results that are in accordance with the target.

## 7. Simple

Lifestyle is important in interacting with the surrounding community. Simple lifestyle should be developed early. With a simple lifestyle, every person is accustomed to not living lavishly, living according to his ability and can fulfill all of his needs.

## 8. Courage

Courage is needed to achieve success. Someone who has a strong character will have the courage to declare the truth, including acknowledging mistakes, daring to be responsible and daring to resist evil.

## 9. Justice

Justice is an assessment by giving to anyone according to what is their right, that is by acting proportionally and not breaking the law. A person with a good character will realize that what he receives is in accordance with his efforts. He would not demand to get more than he tried.

Anti-corruption education and the planting of simple life early in the family need to be implemented effectively. Because simple life can be a "fortress" from lust attacks that invite to the path of ignorance. So that from this simple attitude can foster gratitude and feel sufficient for the blessings that God has given. Then the main thing that is important to implement is upholding the values of honesty and making the nation free from corruption.

Efforts to eradicate corruption do not only involve the family scope. But there is a need for cooperation between all elements of the nation in upholding the law. So that families, communities and law enforcers work together to build a nation and state without corruption. Yogi Prabowo (2014), states that The Corruption Eradication Commission (KPK) formulated its corruption eradication strategy which covers four main areas, namely: 1) The field of institutional development; 2) Prevention field; 3) Actions; 4) The field of community participation.

The fourth area of the Corruption Eradication Commission (KPK) strategy above is actually a step towards realizing what has been regulated by Law No. 31 of 1999 concerning eradicating criminal acts of corruption, precisely in Chapters V Articles 41 and 42, namely Community Participation. The meaning of community participation is the active role of individuals, community organizations, or Non-Governmental Organizations in preventing and eradicating criminal acts of corruption (Hamzah R: 2019).

Law No. 31 of 1999 concerning the eradication of criminal acts of corruption in article 41 paragraph (5) and article 42 paragraph (5) affirms that the procedures for implementing community participation and awarding in the prevention and eradication of criminal acts of corruption need to be regulated by government regulations. The role of the community is intended to realize the rights and responsibilities of the community in the implementation of a country that is free from corruption (Basri, B: 2017).

With this participation the community will be more passionate about implementing social control over criminal acts of corruption. The participation of the community in efforts to prevent and eradicate criminal acts of corruption is realized in the form of, among other things, seeking, obtaining, providing data or information about criminal acts of corruption and the right to give and opinion and suggestions responsibly for the prevention and eradication of criminal acts of corruption.

In accordance with the principle of openness in a democratic country that gives the community the right to obtain correct, honest information and discriminatory actions regarding the prevention and eradication of criminal acts of corruption, this government regulation regulates the rights and responsibilities of the community in the prevention and eradication of criminal acts of corruption. Therefore, freedom to use these rights must be accompanied by the responsibility to present facts and

actual events by obeying and respecting the generally recognized moral rules and applicable laws and regulations.

Participation or community participation are also included in article 1 No. 3 of Presidential Regulation Number 55 Of 2012 concerning The Long-Term National Strategy for The Prevention and Eradication of Corruption in 2012-2025 and in The Medium Term for 2012-2014 which reads "community participation is the active role of individuals, organizations community, or non-governmental organizations in the prevention and eradication of criminal acts of corruption".

Thus, in order to optimize the role of the community in efforts to prevent and eradicate criminal acts of corruption, authorized officials or the Commission for the eradication of corruption are required to provide answers or information in accordance with their respective duties (Arwati & Latif, 2019). The obligation is also balanced with the opportunity for the competent authority or corruption eradication commission to use the right to answer information that is not true from the public. Besides that, to provide high information to the community, this Government Regulation also stipulates giving awards to the community who have contributed to efforts to prevent and overcome corruption in the form of charter and or premium.

One effort that can be done to maintain and improve community participation in an effort to foster an anti-corruption culture is by giving appreciation or appreciation. The awarding of community participation in an effort to foster an anti-corruption culture is open in order to encourage other people to contribute (Walesa Putra, Dike Widhiyaastuti, & Arsha Putra, 2018).

With respect to the participation of community participation in efforts to eradicate corruption regulated in Government Regulation Number 71 of 2000 Articles 7-11 are as follows:

#### **Article 7**

- 1) Every person, community organization, non-governmental organization that has contributed to efforts to help prevent or eradicate corruption has the right received awards
- 2) Recognition as referred to in paragraph (1) may be in the form of a charter or premiums

#### **Article 8**

Provisions concerning procedures for the award as well as the shape and type of charter referred to in Article 7 paragraph (2) shall be determined by ministerial decree law and law

#### **Article 9**

of the premium as referred to in article 7 paragraph (2) is determined to be no more than 2 (two percent) of the value of losses of the state financial state returned

#### **Article 10**

- 1) Charter granted to the reporter after the case is submitted to the district court
- 2) Submission of the certificate referred to in paragraph (1) is carried out by law enforcer or commissions

#### **Article 11**

- 1) Premiums awarded to the complainant after a court decision to convict the defendant had permanent legal power
- 2) Handover premiums as referred to in paragraph (1) conducted by the attorney general or his representative

Was not easy and there is also a risk to the reporting of a criminal act of corruption, especially again if the party reported a person or group of people who have power. In this case the confidentiality of the identity of the reporter is the main thing in the implementation of the participation of the community. Therefore, the mechanism of awarding needs to consider the confidentiality of the reporter's

identity. For it is the duty of law enforcement to keep the identity of the reporting set forth in article 6 of Government Regulation No. 71 of 2000, namely:

- 1) Law enforcement agencies or commissions must keep the possibility to know the identity of the complainant or the contents of information, advice, or opinions expressed
- 2) If necessary, at the request of the complainant, law enforcers or commissions can provide physical safeguards to whistleblowers and their families.

#### 4. CONCLUSION

In a democratic country such as Indonesia, community participation is needed in the prevention and eradication of corruption. In accordance with the principle of openness in a democratic country that gives the community the right to obtain correct, honest information and discriminatory actions regarding the prevention and eradication of criminal acts of corruption. Therefore, freedom to use these rights must be accompanied by the responsibility to present facts and actual events by obeying and respecting the generally recognized moral rules and applicable laws and regulations. Efforts to eradicate corruption can be started from the family first. Because the family is the first place someone gets an education in planting their life ideology, or vice versa. In addition, the participation of the community in efforts to prevent and eradicate criminal acts of corruption is manifested in the form of seeking, obtaining, providing data or information about corruption and the right to give an opinion and suggestions responsibly for the prevention and eradication of criminal acts of corruption.

#### 5. REFERENCES

- Arwati, D., & Latif, D. V. (2019). Factors Inhibiting Public Participation in corruption Prevention through E-Government Application in Indonesia. *Global Business and Management Research*, 11(1), 81–86. Retrieved from <https://search.proquest.com/docview/2236129267?accountid=17242>
- Fitriyaningrum, J., & Arifin, R. (2019). The Regulatory Model for Eradication Corruption in Infrastructure Funding. *Varia Justicia*, 15(1), 36–42. <https://doi.org/10.31603/variajusticia.v15i1.2421>
- Ibrahim, R., Yusoff, M. A., & Koling, H. M. (2018). Patterns and Causes of Corruption Among Government Officials in Indonesia. *Journal of Public Administration and Business*, 1(1), 74–91.
- Imelda, A. (2017). Pendidikan Anti Korupsi Dalam Pendidikan Agama Islam. *Al-Tadzkiyyah: Jurnal Pendidikan Islam*, 8(1), 83–98. <https://doi.org/10.24042/atjpi.v8i1.2098>
- Indonesian Corruption Watch (ICW). (2017). *The Trend of Corruption Cases in 2017*. Jakarta. Retrieved from [https://antikorupsi.org/sites/default/files/trends\\_in\\_corruption\\_2017.pdf](https://antikorupsi.org/sites/default/files/trends_in_corruption_2017.pdf)
- Jajkowicz, O., & Drobiszová, A. (2015). The effect of corruption on government expenditure allocation in OECD countries. *Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensis*, 63(4), 1251–1259. <https://doi.org/10.11118/actaun201563041251>
- Rabi'e, M., & Nurhidayati, S. (2018). Pengembangan Model Pembangunan Budaya Antikorupsi Berbasis Keluarga di Kelurahan Prenggan Kota Yogyakarta. *Integritas*, 4(1), 26. <https://doi.org/10.32697/integritas.v4i1.151>
- Sarmini, Made Swanda, I., & Nadiroh, U. (2018). The importance of anti corruption education teaching materials for the young generation. *Journal of Physics: Conference Series*, 953(1), 1–5. <https://doi.org/10.1088/1742-6596/953/1/012167>
- Susila, A., & Suharso, S. (2018). Eradication Development of Corruption and Neoliberalism in the Current Era. *Varia Justicia*, 14(2), 94–100. <https://doi.org/10.31603/variajusticia.v14i2.2418>
- Walesa Putra, I. M., Dike Widhiyaastuti, I. G. A. A., & Arsha Putra, I. P. R. (2018). Peran Serta Masyarakat dalam Pencegahan Tindak Pidana Korupsi Pengelolaan Keuangan Dana Desa, Studi Di Desa Cau Belayu, Kecamatan Marga, Kabupaten Tabanan, Propinsi Bali. *Acta Comitas*, 3(1),

1. <https://doi.org/10.24843/AC.2018.v03.i01.p01>

Yogi Prabowo, H. (2014). To be corrupt or not to be corrupt: Understanding the behavioral side of corruption in Indonesia. *Journal of Money Laundering Control*, 17(3), 306–326. <https://doi.org/10.1108/JMLC-11-2013-0045>

### **Regulations**

United Nations Convention against Corruption (UNCAC)

*Undang-Undang Republik Indonesia Nomor 7 Tahun 2006 tentang Pengesahan United Nations Convention against Corruption, 2003* (Law No. 7 of 2006 concerning the Ratification of the UN Convention against Corruption)

*Undang – Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi* (Law Number 31 of 1999 concerning Eradication of Corruption)

*Undang - Undang Nomor 30 tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi* (Law Number 30 of 2002 concerning the Corruption Eradication Commission)

*Peraturan Pemerintah Nomor 71 Tahun 2000 tentang Tata Cara Pelaksanaan Peran Serta Masyarakat dan Pemberian Penghargaan dalam Pencegahan dan Pemberantasan Tindak Pidana Korupsi* (Government Regulation Number 71 of 2000 concerning Procedures for Implementing Community Participation and Giving Appreciation in the Prevention and Eradication of Corruption)

*Peraturan Pemerintah Republik Indonesia Nomor 45 Tahun 2017 tentang Partisipasi Masyarakat dalam Penyelenggaraan Pemerintahan Daerah* (Government Regulation Number 45 of 2017 concerning Public Participation in The Administration of Regional Government)